

REMARKS/ARGUMENTS

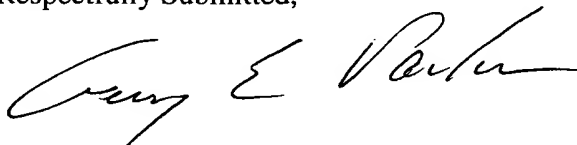
Reconsideration of the application is requested. Claims 1-7, 23, 24, and 26 are now in the case.

Claims 1-7, 23, 24, and 26 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Agarwal et al. (U.S. Publication No. 20030139572) and Agarwal et al. (WO 01/72961). The Office believes the references disclose a polypeptide that is 100% identical to the polypeptide of Applicants' SEQ ID NO:2. The Office further believes that the references disclose a method to recombinantly produce the protein by culturing a host cell comprising an expression vector wherein the vector comprises a polynucleotide encoding the polypeptide as well as the use of signal peptides to secrete the protein to the medium.

Applicants are submitting herewith a Declaration Under 37 C.F.R. § 1.131. The Declaration and accompanying exhibits establish that the inventors, Darrell C. Conklin and Zeren Gao, conceived of the subject matter of claims 1-7, 23, 24, and 26 prior to the earliest filing date of the Agarwal et al. references, and that the inventors worked diligently to a constructive reduction to practice of the invention from a time prior to the earliest filing date of the Agarwal et al. references until the effective filing date of the present application. In view of this Declaration, reconsideration and withdrawal of the rejection under § 102(e) are requested.

Applicants believe that each rejection has been addressed and overcome. Reconsideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6673.

Respectfully Submitted,



Gary E. Parker  
Registration No. 31,648

Enclosures:

Amendment Fee Transmittal (in duplicate)  
Petition and Fee for Extension of Time (in duplicate)  
Declaration Under 37 C.F.R. § 1.131 + 3 exhibits  
Postcard